

SENATE CHAMBER
AUSTIN, TEXAS, Tuesday, March 28, 1871. }

Senate met pursuant to adjournment; Senator Flanagan presiding *pro tem*.

Roll called; quorum present.

Absent--Senator Baker.

Absent--Excused on account of sickness--President Campbell.

Absent--Excused--Senator Ruby.

Prayer by the Chaplain.

On motion of Senator Saylor, the reading of the journal was dispensed with.

Senator Pyle moved to reconsider the vote upon the passage of Senate bill No. 277, "An act for the relief of John G. Boyle."

Senator Hall moved a call of the Senate. Call sustained.

Absent--Senators Baker and Parsons.

On motion of Senator Latimer, Senator Baker was excused for the day.

Message from the Governor by his private secretary as follows:

GOVERNOR'S OFFICE,
AUSTIN, March 21, 1871.

To the Hon. Senate of the State of Texas:

GENTLEMEN: I have the honor to ask the advice and consent of your honorable body to the following appointment, to-wit: Henry L. Rankin, Notary Public for Austin county, Texas.

Very respectfully,

EDMUND J. DAVIS,
Governor.

GOVERNOR'S OFFICE,
AUSTIN, March 23, 1871.

To the Hon. Senate of the State of Texas:

GENTLEMEN: I have the honor to ask the advice and consent of your honorable body to the following appointments, to-wit: M. Talbot, Jr., Notary Public, Refugio county, Texas; Matthew Wood, Notary Public, Smith county, Texas.

Very respectfully,

EDMUND J. DAVIS,
Governor.

On motion of Senator Bell, the call was suspended to consider the message, which was read and referred to the Committee on Nominations.

By leave the motion to reconsider Senate bill No. 277, "An act for the relief of John G. Boyle," was withdrawn.

On motion of Senator Saylor, the Calendar Clerk was excused for the day, on account of sickness.

BILLS AND RESOLUTIONS.

By Senator Tendick, a bill (Senate bill No. 288) to be entitled "An act to incorporate the East Texas Road, Steamer and Transportation Company." Read first time, and referred to Committee on Internal Improvements.

Senator Gaines offered the following resolution :

Resolved, That the Chairman of the Committee on State Affairs be authorized to appoint a clerk for said committee, said clerk to be discharged as soon as the House bills are all reported.

By leave, Senator Dohoney presented the following petition : "Petition of citizens of Fannin county protesting against the formation of a new county out of the counties of Fannin and Lamar, with Honey Grove as county site." Read and referred to Committee on Counties and County Boundaries.

Senator Dohoney presented the following report from the Committee on Engrossed Bills :

COMMITTEE ROOM,
AUSTIN, March 28, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Engrossed Bills having examined and compared Senate bills No. 42, "An act to incorporate the Merchants' and Planters' Savings Bank of Texas;" No. 211, "An act to amend the third section of an act entitled 'an act creating the counties of Presidio, El Paso and Worth,' approved January 3, 1850;" No. 237, "An act for the benefit of James S. Montgomery, assignee of H. O. Harra," and No. 277, "An act for the relief of John G. Boyle," find the same to be correctly engrossed.

E. L. DOHONEY,
P. W. HALL.

Report read and received.

Secretary carried to the House for concurrence Senate bills Nos. 42, 211, 277 and 237.

By leave, Senator Flanagan submitted the following report from the conference committee :

COMMITTEE ROOM,
AUSTIN, March 28, 1871.

Hon. DON CAMPBELL,
President of the Senate :

SIR : Your committee appointed to confer with like committee from the House to take into consideration amendments proposed to Senate bill No. 7, "An act to authorize counties, cities and towns to aid in the construction of railroads," after careful consideration, have agreed that the Senate do not concur in the House amendment (section seventeen, "a failure to comply with any of the provisions of this act, or a preliminary to the issue of bonds shall be taken notice of by purchasers thereof, and shall render such bonds and any coupons attached thereto null and void"), and it is agreed by said conference committee that the House recede from said amendment.

WEBSTER FLANAGAN,
Chairman.

Read and laid over under the rules.

The question recurring upon the adoption of the resolution offered by Senator Gaines, Senator Bowers offered the following substitute :

Resolved, That the clerk of the Judiciary Committee be requested to aid the Committee on State Affairs, when not employed by the Judiciary Committee.

Yeas and nays called for on adoption of the substitute, which was carried by the following vote :

Yeas—Baker, Bowers, Braughton, Cole, Dillard, Dohoney, Douglass, Evans, Flanagan, Latimer, Mills, Pickett, Rawson, Shannon, Tendick—15.

Nays—Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrandt, Parsons, Pettit, Saylor—10.

By Senator Dillard : a bill (Senate bill No. 289) to be entitled "An act to amend an act entitled 'an act to authorize the cancellation of patents in certain cases,' approved February 3, A. D. 1854." Read first time, and referred to Committee on Judiciary.

Senator Pridgen moved that the journals of the sixteenth instant be corrected, so as to show that the Senate concurred in the House amendments to Senate bill No. 110, "An act to incorporate the Rusk and Harrison County Railway Company," as follows : Amend section one by striking out the names of "J. A. Irwin, E. S. Graham, Jiles, S. Baggess, Jr., and C. B. Kilgour," and inserting in lieu thereof the names of "J. A. Vinson, Ed. S. Graham, Jiles S. Boggess, Jr., and C. B. Kilgore," which motion was adopted.

The hour having arrived for the consideration of the special order, House bill No. 115, "An act to regulate the keeping and bearing of deadly weapons."

Senator Fountain moved a call of the Senate. Call sustained.
Absent—Senator Latimer.

Absent—excused—President Campbell, Senators Baker and Ruby.

On motion of Senator Fountain, the call was suspended and House bill No. 115 was made the special order for to-morrow at 12 M.

11 o'CLOCK, A. M.

The hour having arrived for the consideration of the special order, substitute Senate bill 166, a bill to be entitled "An act to organize and maintain a system of Public Free Schools in the State of Texas,"

Senator Fountain moved that the substitute for Senate bill No. 166 do now pass.

Senator Rawson offered the following amendment, which was lost: Amend section one, line nine, after the word "age," strike out "from six to eighteen years" and insert "from eight to sixteen years."

The question recurring on the passage of the substitute Senate bill No. 166, yeas and nays called for, and substitute for Senate bill 166 passed by the following vote:

Yeas—Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrandt, Mills, Parsons, Pettit, Pridgen, Saylor, Tendick—13.

Nays—Bowers, Braughton, Cole, Dillard, Dohoney, Evans, Pickett, Pyle, Rawson, Shannon—10. •

Senator Douglass was excused from voting, having paired off with Senator Ruby, Senator Ruby voting in the affirmative and Senator Douglass voting in the negative.

Senator Flanagan was excused from voting, having paired off with President Campbell, President Campbell voting in the affirmative and Senator Flanagan voting in the negative.

The Secretary, under instruction of the President, carried to the House, for concurrence, the following Senate bills:

No. 137, "An act to incorporate the Sabine and Neches Mutual Insurance Company."

No. 182, "An act to incorporate the Tyler Tap Railroad Company."

No. 241, "An act to incorporate the Mansfield Male and Female College, in Tarrant county."

No. 270, "An act making an appropriation for the purpose of having certain general indexes in the General Land Office copied."

No. 274, "An act for the relief of the heirs of Charles G. Bryant, deceased."

No. 280, an act to be entitled "An act amendatory of an act

to be entitled 'an act to amend an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870,' approved March 4, 1871."

No. 279, "An act to incorporate the Belton Bridge Company;" and

Substitute Senate bill No. 3, "An act to incorporate Houston Gewerbe Verien, city of Houston, Harris county, for benevolent purposes."

Senate bill No. 77, "An act for the relief of A. H. Cook."

Senate bill No. 246, "An act granting a charter to James A. Mitcham to create, keep and run a ferry boat at the Raget Landing, or crossing, on Trinity river, in Henderson county and Navarro county."

Senate joint resolution No. 11, "allowing the sum of three hundred and fifty-four dollars and seventeen cents (\$354 17) to Dr. S. W. Baker, late superintendent of the Blind Asylum, for the use of a horse and buggy."

Also, informing the House the Senate had passed House bill No. 202, "An act to incorporate the city of Dallas, in Dallas county, Texas."

House bill No. 41, "An act to repeal an act entitled 'an act to prevent the sale of vinous, spirituous or other intoxicating liquor within one mile of the centre of the town of Alto, in Cherokee county, State of Texas,' approved December 11, 1861."

House bill No. 25, "An act to incorporate the Gymnastic Association at New Braunfels, under the name and style of Turnverien New Braunfels."

House bill No. 194, "An act to incorporate the Huntsville Branch Railway Company."

House bill No. 313, "An act giving the consent of the Legislature of the State of Texas to the purchase by the United States of land within the State, for public purposes," with amendment.

House bill No. 27, "An act for the relief of Judge M. B. Walker, of the Supreme Court."

House joint resolution No. 25, "Joint resolution requiring the Comptroller of Public Accounts to transfer to the State revenue account, the sum of thirty-five thousand nine hundred and fifty dollars and five cents, heretofore erroneously transferred from said revenue account to the available school fund account."

Also for signature, enrolled Senate bill No. 111, "An act granting to John M. Beard the privilege of constructing and keeping a toll bridge across the Neches river, at the place known as Beard's bridge, on said river."

Enrolled Senate bill No. 136, "An act to incorporate the Pine Island Bayou Bridge Company."

Enrolled Senate bill No. 110, "An act to incorporate the Rusk and Harrison County Railway Company."

Enrolled bills signed by the Speaker, returned and signed by the President of the Senate.

UNFINISHED BUSINESS.

Senate bill No. 276, a bill to be entitled "An act to provide for the establishment of the Agricultural and Mechanical College of Texas." Read second time.

Senator Hall moved that Senate bill No. 276 be referred to a select committee.

Yeas and nays called for and motion lost by the following vote:

Yeas—Bell, Ford, Gaines, Hall, Hertzberg, Hillebrandt, Parsons, Pettit, Rawson, Tendick—10.

Nays—Bowers, Braughton, Cole, Dillard, Dohoney, Douglass, Evans, Flanagan, Fountain, Mills, Pridgen, Saylor, Shannon—13.

Senate bill No. 276 ordered engrossed and passed to a third reading.

Senator Saylor moved to suspend the rules to place Senate bill No. 276 on its third reading, which motion was lost.

Senator Pridgen submitted the following report from Committee on Enrolled Bills:

COMMITTEE ROOM,
AUSTIN, March 27, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Enrolled Bills have examined and find correctly enrolled Senate bill No. 66, entitled "An act to incorporate the Calahan Cotton Seed Oil Manufacturing Company of Hempstead, Texas," and also Senate bill No. 101, entitled "An act to amend the first section of 'an act supplemental to an act entitled 'an act defining the office and duties of notaries public, passed May 13, 1846,' approved March 5, 1863,'" and Senate bill No. 229, entitled "An act to incorporate the Star State Savings Association," and to-day, at 12:30 o'clock P. M., presented them to the Governor for his approval.

B. J. PRIDGEN,
Chairman.

Report read and received.

GENERAL FILE.

Senate bill No. 121, "An act providing that all fees or costs of

peace officers shall be made payable in United States currency." Read second time. ordered engrossed and passed to a third reading.

On motion of Senator Bell, the rules were suspended, and Senate bill No. 121 read third time and passed.

Senate bill No. 190, a bill to be entitled "An act to incorporate the town of Longview, in Upshur county, Texas," with amendments. Read second time.

Amend section five: add to line sixteen the following words, to-wit: "a fine of."

On motion of Senator Douglass, the amendment recommended by the Committee on State Affairs was adopted. Senate bill No. 190 ordered engrossed and passed to a third reading.

On motion of Senator Douglass, the rules were further suspended, and Senate bill No. 190 was read third time, and passed.

Senate bill No 57, a bill to be entitled "An act to prescribe the manner in which cases shall be tried in the Supreme Court of the State of Texas, when one or more of the judges may be disqualified by having presided at the trial of such cases in the district court, or from any other cause." Read second time.

On motion of Senator Bell, the following amendments, reported by the Committee on Judiciary, were adopted:

Amend section second by striking out all after the word "account," in line nine, and inserting the words "and draw his warrant upon the Treasurer for the same."

Senate bill No. 57 ordered engrossed and passed to a third reading, as amended.

On motion of Senator Bell, the rules were suspended and Senate bill No. 57 read third time and passed.

On motion of Senator Pridgen, the rules were suspended to take from file Senate bill No. 170, a bill to be entitled "An act to provide for the location and survey of genuine land certificates and for the issuance of patents for lands located in accordance with section four of article ten of the Constitution." Read second time.

On motion of Senator Pridgen, the following substitute of the Judiciary Committee was adopted: "Substitute for Senate bill No. 170, entitled "An act in reference to the location, survey and return of genuine land certificates." Substitute Senate bill No. 170 ordered engrossed and passed to a third reading.

On motion of Senator Pridgen, the rules were suspended and substitute for Senate bill No. 170 read third time and passed.

Senator Gaines moved that the Senate adjourn to 10 o'clock A. M., to-morrow. Lost.

Senate bill No. 54, a bill to be entitled "An act to repeal the third section and to amend the second section of 'an act to regulate

the sale of lands under the decrees of court.' " Read second time, ordered engrossed and passed to a third reading.

On motion of Senator Fountain, the rules were suspended and Senate bill No. 54 was read third time and passed.

Senate bill No. 125, " An act to promote the steam navigation of the Colorado river in Travis county." Read second time.

Senator Bowers presented a protest from the citizens of Travis county against the passage of Senate bill No. 125.

Protest read.

Senator Pyle offered the following amendment: Amend, by adding, after the word "Whitis," in section one, the words "and all other residents and citizens of the State."

[Senator Fountain in the chair.]

Senator Pickett moved that Senate bill No. 125 be indefinitely postponed.

Yeas and nays called for, and motion carried by the following vote:

Yeas—Bowers, Braughton, Cole, Dillard, Dohoney, Douglass, Hertzberg, Hillebrandt, Mills, Pickett, Pyle, Rawson, Shannon—13.

Nays—Bell, Flanagan, Ford, Fountain, Hall, Parsons, Pettit, Pridgen, Saylor, Tendick—10.

[Senator Flanagan resumed the chair.]

Senator Hall moved to reconsider the vote passing House bill No. 465, " An act for the relief of G. F. B. Vega." Motion to reconsider carried.

On motion of Senator Pyle, the Senate adjourned to 10 o'clock A. M. to-morrow.
